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Our Reference: CFC-124-A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Steven E. Lenda and Donald P. Marriott
Serial Number: 10/738,930
Filing Date: December 17, 2003
Examiner/Art Group Unit: Unknown/3612
Title: AIR PERMEABLE, WATER REPELLENT,
ACOUSTIC DOOR SHIELD

CERTIFICATE OF MAILING AND TRANSMITTAL LETTER

Attention: TC3600
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

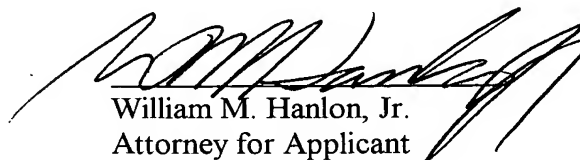
Sir:

Transmitted with this document is a Postcard; Response to Decision on Petition to Make Special; Renewed Petition to Make Special; and Detailed Discussion of the References in the above-identified application.

X No additional fee is required.

X Please charge any deficiency or credit any excess in the enclosed fees to Deposit Account Number 25-0115.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on November 12, 2004.


William M. Hanlon, Jr.
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YOUNG & BASILE, P.C.
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Troy, MI 48064-3107



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RESPONSE TO DECISION ON PETITION TO MAKE SPECIAL

Attention: TC3600
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Decision on Petition to Make Special dated November 5, 2004, which petition was dismissed, Applicants submit a renewed Petition which is substantially identical to the originally filed Petition, but contains an expanded Detailed Discussion of the References as required by the Examiner.

Entry and granting of this Petition is respectfully requested. Application of the petition fee previously submitted on December 17, 2003 is requested.

Respectfully submitted,

YOUNG, BASILE, HANLON, MacFARLANE, WOOD
& HELMHOLDT, P.C.

William M. Hanlon, Jr.
Attorney for Applicant(s)
Registration No. 28422
(248) 649-3333

3001 West Big Beaver Rd., Suite 624
Troy, Michigan 48064-3107

Dated: November 12, 2004
WMH/jao



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Title: AIR PERMEABLE, WATER REPELLENT,
ACOUSTIC DOOR SHIELD

RENEWED PETITION TO MAKE SPECIAL UNDER MPEP §708.2 VIII

Attention: TC3600
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

The Applicants, Steven E. Lenda and Donald P. Marriott, by their attorney, petition the Commissioner to grant special status to the above-identified application under the procedure set forth in MPEP 708.2 VIII. the Applicants state:

1. The fee for this petition was previously paid on December 17, 2003.
2. The claims in this application are directed to a door weather shield and method of making the same. If the Patent Office determines that all claims presented are not directed to a single invention, Applicants will make an election without traverse upon notification by the United States Patent and Trademark Office.
3. A pre-examination search for prior art pertinent to the subject matter of this application was made by William M. Hanlon, Jr., Patent Office Registration Number 28422, the attorney of record in the above-identified application. The search was conducted in the United States Patent and Trademark Office and in the Patent office Internet database, on or about April 9, 2003. The field of search covered Class 296, Subclasses 39.1, 39.3, 146.1, 146.5, and 146.7 and Class 442, Subclasses 2, 35, 36, 49, 50, 57, 400, 401, and 414. The resulting patents were


thoroughly reviewed by Applicants' attorney, and disclosed to the United States Patent and Trademark Office in an Information Disclosure Statement submitted concurrently with this application.

4. For the reasons set forth in the "Detailed Discussion of the References", it is submitted that Applicants' invention patentably defines over each reference, taken singly or in any permissible combination.

Since all of the requirements to make an application special under the provisions of MPEP 7-8.2 VIII have been met, special examining status is respectfully requested for this application.

Respectfully submitted,

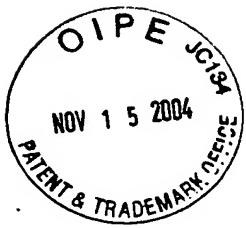
YOUNG, BASILE, HANLON, MacFARLANE, WOOD
& HELMHOLDT, P.C.

A handwritten signature in black ink, appearing to read 'William M. Hanlon, Jr.', is written over the printed name.

William M. Hanlon, Jr.
Attorney for Applicant(s)
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(248) 649-3333

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DETAILED DISCUSSION OF THE REFERENCES

Attention: TC3600
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

The following is a detailed discussion of the references cited in an Information Disclosure Statement filed December 17, 2003 and a Supplemental Information Disclosure Statement filed January 30, 2004 in the above-identified application in support of a Renewed Petition to Make Special, filed concurrently herewith.

US Patent No. 6,102,465 shows a multi-layer door panel for a vehicle which has acoustic properties. The noise insulating structure includes three sound absorbing material layers which are mounted in a vehicle headlining, dashboard or floor carpet. Each sound absorbing material or layer is capable of absorbing sound within a frequency range which overlaps on one end with the frequency range of the other material layers. Each sound absorbing material is formed of an unshaped polyester fiber mixture and binder fibers.

However, this reference fails to disclose the use of a first layer of a hydrophobic, air restrictive, breathable face scrim and a second layer of one of a lofted fiber pad and an open-cell polymeric foam which are joined together, or the concept of tuning the air permeability of the first layer with the sound absorption or

attenuation features of the second layer to provide desired sound attenuation as set forth by the Applicants in the above-identified application.

US Patent Nos. 6,372,172; 6,268,302; 6,177,370; 5,997,989; 5,773,375; 5,695,849; 5,688,157; and 5,631,074, and US publication No. 2003/0032357 all show the construction of non-woven or spun bond/melt blown materials. Applicants' invention, as set forth in claim 1, defines a first layer of a hydrophobic, air restrictive, breathable face scrim which could be formed of spun bond/melt blown fibers as generally disclosed by these references. However, these references fail to disclose a door shield and method of making the same formed of the above-described first layer which is joined to a second layer formed of one of a lofted fiber pad and an open cell polymeric film as set forth by the Applicants in the claims of the above-identified application.

US Patent Nos. 5,459,291 and 5,824,973 disclose sound absorption laminates in which a porous insulation substrate is formed of a thermoplastic glass or polymeric fiber blanket or a foamed polymeric resin sheet. The substrate is joined to a thin permeable facing sheet which may be formed of thermoplastic fibers.

However, these references fail to disclose forming the first layer of a hydrophobic, air restrictive, breathable face scrim which may include at least one layer of melt blown and spun bonded polymeric fibers as set forth by the Applicants in certain claims of the above-identified application.

US Patent Nos. 6,156,682 and 6,364,976 disclose laminated structures suited for vehicle interior applications which have a polyester fiber core and randomly oriented structural reinforcing layers which are bonded together and attached to a scrim layer. The scrim layer is described as being constructed from a woven or needled/punched product which facilitates bonding and installation of the complete laminate in the interior of a vehicle.

However, these references fail to disclose a door shield formed of a first layer of a hydrophobic, air restrictive, breathable face scrim which may be formed of a non-woven scrim which is joined to a second layer formed of one of a lofted fiber pad and open-cell polymeric foam as set forth by the Applicants.

US Patent No. 6,296,075 discloses an acoustical system for inhibiting noise in a motor vehicle which includes an impermeable layer and an underlayment which includes a first fibrous layer and a second fibrous layer.

This reference fails to disclose the first layer of a hydrophobic, air restrictive, but breathable face scrim as set forth by the Applicants in the above-identified application.

US Patent No. 6,244,378 discloses a dual sonic character acoustic panel having a sound-absorbing face and a tuned sound absorbing face. The panel includes a sandwich or composite of a first layer of molding media, a honeycomb of cells and a second layer of molding media.

This reference, however, fails to disclose the specific material construction of the first and second layers of Applicants' door shield as set forth in the claims of the above-identified application.

US Patent No. 6,528,437 discloses a composite fabric for vehicles consisting of a polyester knitted fabric and an extruded film that are heat laminated together. This structure, however, fails to teach or suggest a first layer of a hydrophobic, air restrictive, breathable face scrim which is joined to a second layer formed of one of a lofted fiber pad and open-celled polymeric film as set forth by the Applicants in the above-identified application.

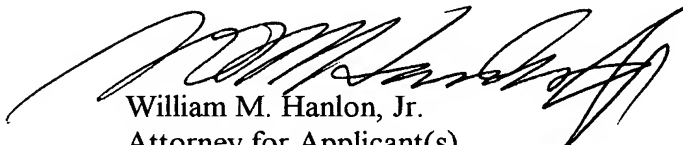
US Patent Nos. 5,459,291 and 5,824,973 disclose sound absorbing laminates formed of a porous insulation substrate, such as a glass, polymeric or natural fiber blanket or a foamed polymeric resin sheet and a facing sheet having a high air flow resistance. However, the facing sheet in these references does not teach or suggest a first layer of a hydrophobic, air restrictive, breathable face scrim. Nor do these references teach the joining of the first layer to a second layer formed of one of a lofted fiber pad and open-cell polymeric foam as taught by the Applicants in the above-identified application.

For the reasons set forth above, it is respectfully submitted that Applicants' invention as set forth in the claims of the above-identified application

include features which are not anticipated or rendered obvious by the cited references, taken singly or in any permissible combination.

Respectfully submitted,

YOUNG, BASILE, HANLON, MacFARLANE, WOOD
& HELMHOLDT, P.C.

A handwritten signature in black ink, appearing to read 'William M. Hanlon, Jr.', written in a cursive style.

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